



THE CITY OF NEW YORK
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July 6, 2022

VIA E.C.F.

Honorable John G. Koeltl
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Brandon et ano. v. City of New York et al.,
22-cv-03137 (JGK)

Your Honor:

I am an Assistant Corporation Counsel in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendant City of New York in the referenced action.¹ I write respectfully to request: 1) an Order, *nunc pro tunc*, extending defendants City of New York's and David Johnson's time to respond to the Complaint from June 13, 2022 to August 15, 2022; 2) an Order, *sua sponte*, extending defendant Bill De Blasio time to respond to the Complaint from July 7, 2022 to August 15, 2022 and 3) an Order, *sua sponte*, extending defendants Terrance Monahan's and Dermot Shea's time to respond to the Complaint from July 6, 2022 to August 15, 2022. I have contacted plaintiffs' counsel at approximately 3:00 pm today, asking for their position on this request and was advised that the attorney primarily handling the case was out of the office and so plaintiffs were unable to provide a position. The extension will not affect any other previously scheduled dates. There is, however, an initial conference scheduled for July 11, 2022, which the Court may wish to reschedule in view of the relief sought herein.

¹ This case was initially handled by Assistant Corporation Counsel Carolyn Depoian until June 3, 2022 at which time it was reassigned to the undersigned.

Preliminarily, I wish to extend my apologies to the Court for failing to abide by the Court's Order dated May 27, 2022 (ECF Docket No. 10) directing that defendants City of New York and David Johnson respond to the complaint by June 13, 2022. Though it does not excuse my actions, I had health issues when this case was assigned to me on June 3, 2022, which required me to work remotely on a part-time basis resulting in limited access to case files. I was under the mistaken impression that pleading and representation issues were resolved when reassigned this case and did not become aware they were not until earlier today. I note that, should the Court grant the accompanying application for a *sua sponte* extension of time for the newly served defendants (De Blasio, Monahan and Shea) the resulting prejudice from extending the City's and Johnson's time to respond will be minimal as the instant application fixes a single date for all defendants to respond to the Complaint.

With respect to defendants De Blasio, Monahan and Shea, this office has not yet discussed representational matters with them and therefore this request for an extension of time is not made on their behalf. However, given the time involved in determining the representation of a municipal employees, and in the interest of judicial economy, we request that the Court extend their time to respond, *sua sponte*. Should the Court grant the extension, it will this office time to conduct an inquiry to determine whether it will represent them in this action and to obtain their written consent for representation - should they so choose. See General Municipal Law § 50(k); Mercurio v. City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985); Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law).

Accordingly, it is respectfully requested that the Court excuse defendants City of New York's and David Johnson's default in answering, and issue an Order, *nunc pro tunc*, extending their time to respond to the Complaint to August 15, 2022. It is further requested that the Court issue an Order, *Sua Sponte*, similarly extending defendants Bill De Blasio, Terrance Monahan's and Dermot Shea's time to respond to the Complaint to August 15, 2022.

I thank the Court for its consideration of the foregoing

Respectfully submitted,

s/ Steve Stavridis

Steve Stavridis
Senior Counsel

cc: All Counsel of record (via ECF)